

1 WILLIAM SLOAN COATS (SBN: 94864)
email: wcoats@whitecase.com
2 MARK R. WEINSTEIN (SBN: 193043)
email: mweinstein@whitecase.com
3 SAM O'ROURKE (SBN: 205233)
email: sorourke@whitecase.com
4 KYLE D. CHEN (SBN 239501)
email: kchen@whitecase.com
5 WHITE & CASE LLP
3000 El Camino Real
6 5 Palo Alto Square, 9th Floor
Palo Alto, CA 94306
7 Telephone: (650) 213-0300
Facsimile: (650) 213-8158

8
9 Attorneys for Plaintiffs
HTC CORPORATION and
HTC AMERICA, INC.

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14

15 HTC CORPORATION and HTC
16 AMERICA, INC.,

17 Plaintiffs,

18 v.

19 TECHNOLOGY PROPERTIES
20 LIMITED, PATRIOT SCIENTIFIC
CORPORATION, and ALLIACENSE
21 LIMITED,

22 Defendants.
23
24
25
26
27
28

Case No. C 08 00882 JL

PROOF OF SERVICE

KYLE D. CHEN SBN: 239501
 WHITE & CASE LLP.
 3000 EL CAMINO REAL 5 PALO ALTO SQ. 9TH FLOOR
 PALO ALTO, CA 94306
 (650) 213-0300

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

HTC CORPORATION Plaintiff(s)
 v.
TECHNOLOGY PROPERTIES Defendant(s)

CASE NUMBER:
C08-00882 JL

**PROOF OF SERVICE
 SUMMONS AND COMPLAINT**
 (Use separate proof of service for each person/party served)

1. At the time of service I was at least 18 years of age and not a party to this action and I served copies of the (specify documents):
 - a. ☒ summons ☒ complaint ☐ alias summons ☐ first amended complaint
☐ second amended complaint
☐ third amended complaint
 - ☐ other (specify):
2. Person served:
 - a. ☒ Defendant (name:) **PATRIOT SCIENTIFIC CORPORATION**
 - b. ☒ Other (specify name and title or relationship to the party/business named):
LINDA ALTENHOFEN - AUTHORIZED TO ACCEPT
 - c. ☒ Address where the papers were served: **6183 PASEO DEL NORTE, STE 180
 CARLSBAD, CA 92011**
3. Manner of Service in compliance with (the appropriate box must be checked):
 - a. ☒ Federal Rules of Civil Procedure
 - b. ☐ California Code of Civil Procedure
4. I served the person named in Item 2:
 - a. ☒ By Personal Service. By personally delivering copies. If the person is a minor, by leaving copies with a parent, guardian, conservator or similar fiduciary and to the minor if at least twelve (12) years of age.
 1. ☒ Papers were served on (date): **03/10/2008** at (time): **04:12 pm**
 - b. ☐ By Substituted Service. By leaving copies:
 1. ☐ (home) at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household, at least 18 years of age, who was informed of the general nature of the papers.
 2. ☐ (business) or a person apparently in charge of the office, or place of business, at least 18 years of age, who was informed of the general nature of the papers.
 3. ☐ Papers were served on (date): at (time):
 4. ☐ by mailing (by first-class mail, postage prepaid) copies to the person served in Item 2(b) at the place where the copies were left in Item 2(c).
 5. ☐ papers were mailed on (date):
 6. ☐ due diligence. I made at least three (3) attempts to personally serve the defendant.

PROOF OF SERVICE - SUMMONS AND COMPLAINT

- c. ☐ **Mail and acknowledgment of service.** By mailing (*by first-class mail or airmail, postage prepaid*) copies to the person served, with two (2) copies of the form of Waiver of Service of Summons and Complaint and a return envelope, postage prepaid addressed to the sender. (**Attach completed Waiver of Service of summons and Complaint**).
- d. ☒ **Service on domestic corporation, unincorporated association (including partnership), or public entity.** (F.R.Civ.P. 4(h)) (C.C.P. 416.10) By delivering, during usual business hours, a copy of the summons and complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute and the statute so requires, by also mailing, by first-class mail, postage prepaid, a copy to the defendant.
- e. ☐ **Substituted service on domestic corporation, unincorporated association (including partnership), or public entity.** (C.C.P. 415.20 only) By leaving during usual business hours, a copy of the summons and complaint in the office of the person served with the person who apparently was in charge and thereafter by mailing (*by first-class mail, postage prepaid*) copies of the persons at the place where the copies were left in full compliance with C.C.P. 415.20 Substitute service upon the California Secretary of State requires a court order. (**Attach a copy of the order to this Proof of Service.**)
- f. ☐ **Service on a foreign corporation.** In any manner prescribed for individuals by FRCP 4(f)
- g. ☐ **Certified or registered mail service.** By mailing to an address outside California (*by first-class mail, postage prepaid, requiring a return receipt*) copies to the person served. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- h. ☐ **Other** (specify code section and type of service):
5. **Service upon the United States, and its Agencies, Corporations or Officers.**
- a. ☐ by delivering a copy of the summons and complaint to the clerical employee designated by the U.S. Attorney authorized to accept service, pursuant to the procedures for the Office of the U.S. Attorney for acceptance of service, or by sending a copy of the summons and complaint by registered or certified mail addressed to the civil process clerk at the U.S. Attorneys Office.
- Name of person served:
- Title of person served:
- Date and time of service: (date): at (time):
- b. ☐ By sending a copy of the summons and complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C. (**Attach signed return receipt or other evidence of actual receipt by the person served**).
- c. ☐ By sending a copy of the summons and complaint by registered or certified mail to the officer, agency or corporation (**Attach signed return receipt or other evidence of actual receipt by the person served**).

6. At the time of service I was at least 18 years of age and not a party to this action.

7. Person serving (*name, address and telephone number*):

William Gager
Janney & Janney Attorney Service, Inc.
4891 Pacific Highway, Ste. 102
San Diego, CA 92110
(213) 628-6388

a. Fee for service: \$ 95.00

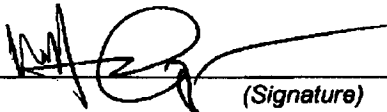
- b. ☐ Not a registered California process server
- c. ☐ Exempt from registration under B&P 22350(b)
- d. ☒ Registered California process server
 Registration # :1232

8. ☐ I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Date: March 11, 2008

William Gager
 Type or Print Server's Name


 (Signature)

PROOF OF SERVICE - SUMMONS AND COMPLAINT

Attachment to Proof of Service of Summons

1. Summons in a Civil Case;
2. Complaint;
3. Order Setting Initial Case Management Conference and ADR Deadlines;
4. Magistrate Judge James Larson's Order Setting Case Management Conference
5. Notice of Settlement Conference and Settlement Conference Order
6. Forms: (a) Joint Case Management Statement and Proposed Order, (b) Notice of Assignment of Case to a United States Magistrate Judge for Trial, (c) Consent to Proceed Before a United States Magistrate Judge; (c) Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge;
7. Order of the Chief Judge in re: Electronic Filing in Cases with Unrepresented Parties;
8. Guidelines: U.S. District Court, Northern District of California, San Jose Division [note – case was filed in San Jose Division, re-assigned to San Francisco Division]
9. Handouts from San Jose Division:
 - a. General Order No. 40 – Prohibition of Bias
 - b. ECF Registration Information Handout
 - c. General Order No. 45 – Electronic Case Filing
 - d. Notice of Electronic Availability of Case File Information
 - e. General Order No. 53 – Privacy
 - f. Notice of Lawsuit and Request for Waiver of Services of Summons
 - g. Instructions for Completion of ADR Forms Regarding Selection of an ADR Process (ADR Local Rule 3-5)
 - h. ADR Certification by Parties and Counsel
 - i. Stipulation and [Proposed] Order Selecting ADR Process
 - j. Notice of Need for ADR Phone Conference